SHRI ASHWANI KUMAR : Is it an inspiring national endeavour? I am using the words of Shri C.D. Deshmukh. 'The Budget must always seem to be, if not in reality, but, at least, it seem to be an inspiring national endeavour.' Sir, unfortunately, my esteemed friend, Shri Kalraj Mishraji is not here. He put up a brave defence of the Budget. While listening to him, I was reminded, Sir, of the lives of millions of our countrymen for whom life is no more than an emptiness of vacant scenes that yield only despair. Sir, I was reminded of that lofty ideal which Dr. Manmohan Singh reflected in his felicitous expressions in one of his Budgets. He said that "the Budget must hold aloft undimmed and untarnished the bright torch of India so that its light reaches every home and rekindles hope, faith, courage and pride in being an Indian." Sir, I put this question to the hon. Finance Minister. Has he lived up to this lofty ideal? In conclusion, I say only this, and I say it with all the conviction at my command, that notwithstanding the imperatives of globalization and liberalisation, we, in India, have not accepted the philosophy, where the State must wither away. The reason-d'etre author of the State is to ensure a benign, a decisive, a purposive interjection to ensure that the disadvantaged, the downtrodden, and those who need help, are brought to a level of sustenance, with dignity. That, Sir, is the ultimate burden of any Budget in our Republic, and if this be the measure, I regret to say that the hon. Finance Minister has failed. I thank you, Sir, for giving me this opportunity.

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## GOVERNMENT RESOLUTION

### Rejection of the Award given on February 12,1999 by Board of Arbitration in C.A. Reference No. 13 of 1992.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE AND COMPANY AFFAIRS (SHRI ANANDRAO VITHOBA ADSUL) : Sir, I beg move:-

> "That this House approves the proposal of the Government to reject the Award given on February 12,1999 by the Board of Arbitration in C.A. Reference No. 13 of 1992 in respect of grant of Touring Special Pay to Audit staff in Indian Audit and Accounts Department in terms of Para 21 of the scheme for Joint Consultative Machinery and Compulsory Arbitration, as the implementation of the Award

involves an expenditure of over Rs. 5,47,18,800/- in payment of arrears and a recurring expenditure of Rs. 1,36,79,700/- per annum will lead to diversion of scarce resources from development expenditure to non-productive expenditure and will thus adversely affect the National Economy."

*The question was proposed.*

PROF. SAIF-UD-DIN SOZ (Jammu & Kashmir) : Mr. Vice-Chairman, Sir, I will try to be very brief. I oppose the letter and spirit of this Resolution. In fact, it will be adopted. That has been the convention so far. But, I have tried to understand why the Government of India is against the principle of arbitration. They are bringing the Board of Arbitration into disrepute. It is not the only Resolution that came before this august House. In a row, we had earlier three Resolutions, and these Resolutions opposing specific proposals were adopted without any discussion. These three Resolutions had come from the Ministry of Home Affairs, and now this Resolution has come before the House. A fortnight ago, I just cursorily saw the Business, and tried to understand why the Government of India is doing this. I convinced myself that I must try hard to speak a few words on this Resolution. In fact, I feel that some day, the Parliament will go into this question. So many things remain hidden from Members of Parliament because of the rush of Business. So many papers are laid on the Table of the House, but Members have no time to go into these. And now, the Government of India seems to be fed up with the principle of Arbitration. If it is so, then why should we waste the time of this House? Why not come up with a proposal and do away with the Board of Arbitration? As of now, in this Resolution, I feel the whole principle is in jeopardy. Why does the Board sit to arbitrate? Government is represented in the Board, senior people are on the Board -- I invite the attention of the hon. Minister to the Award. The Award is not given by ordinary people; there is Justice A. K. Dutta; on the staff side, there is Shri Gopeshwar; on the official side is a senior officer, Shri R. D. Thapar; they go into this question and consider the demands of these employees. Who are these employees? They are low-paid employees of the Government of India. The Board considers these demands and then reduce it, wherever it could be reduced. And now, you come forward to tell the Parliament that you will have to sanction an enormous amount of money, if you accept the Award. Rupees one crore thirty six thousand per annum is not a big amount of money. We are a big country and we must take into

consideration the whole Budget. But when it has been recommended by the Board, it is a compulsion for the Government of India to accept it. My senior colleagues are here. You are actually holding the Parliament to ransom, because Government of India has no authority to reject the Award. It is a compulsory situation for you. You are taking recourse to Parliament without telling the Parliament the details, which is subject to the authority of the Parliament. Recommendation of the Board of Arbitration will be binding on both sides. Officials are represented by their Members, Government of India is represented by very senior officers; then, there is a senior Judge, who is the Chairman of the Board. All of a sudden, you come out with a decision, that too, so late. In 1999, this Government was very much there. You took so many years, sitting on this matter, and those poor employees were waiting all this time, hoping that the Award was in their favour because they might have known it. Now, you come to the Parliament to get it rejected; Parliament has the overriding authority, Government hasn't. And, it is a consultative machinery and compulsory arbitration. So, you do it.

Mr. Vice-Chairman Sir, the reason that the Government of India gives for rejection of the Award is that they want to meet the ends of social justice and national economy. Is this social justice? This Award is meant for low-paid employees, who are not represented here regularly. And for them, the ultimate authority is the Board. You have no authority to cancel that Award. Unfortunately, Parliament -- this is going on record -- has no time for it. I wish there was a full-fledged discussion on this proposition. And, why you talk about national economy? I raise a question, Mr. Vice-Chairman, Sir, what is the amount of money? These details must be given. Someday, Parliament will go into this whole question.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI) : Please, conclude.

PROF. SAIF-UD-DIN SOZ : Now, what is the expenditure on the Board -- these are very high-level officers -- what is their salary, what are the perks; what does it all amount to? If the Government of India rejects the Award, one after the other, why not do away with the Board of Arbitration itself? But as of now, I want to know from the hon. Minister, when he rises to speak, to tell me what is the expenditure, in respect of the constitution of the Board, salaries and perks and all that? By not sanctioning this Award in favour of these employees, you have disappointed them. Approaching the Board is not an ordinary thing for these employees; it takes quite a long time. They look forward to the Award eagerly. And then, they are told by

the Government that their decision is final, they cannot change it. And now, you come to the Parliament and you want to adopt this Resolution in haste. Of course, it will be adopted after a couple of minutes. But I am satisfied that my objection to this has gone on record, at least. Kindly tell me what is the amount of money that you spent on the Board itself by way of salaries, by way of perks, and whether these employees are there. They are low-paid employees; they are not high-ranking officers. And you say, by way of economy, you are doing it! This is not social justice. It does not meet the ends of justice, nor does it promote the concept of economy, at the cost of these low-paid employees. So, Mr. Vice-Chairperson, I will wait for the hon. Minister to convince me on this. Even though he is sure that it will be adopted, I raise my voice because, I feel, I am justified in telling the Government that they cannot, one after the other, reject the awards of the Board of Arbitration. Thank you, Sir.

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Sir, I want to speak for half-a-minute. I feel that there is a rationale behind his argument. I associate myself with the views expressed by Prof. Soz. It applies to the previous Resolution also.

SHRI PRANAB MUKHERJEE : The previous Resolutions have already been adopted! ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI) : Mr. Gavai, do you want to say something about this Resolution?

SHRI R.S. GAVAI (Maharshtra) : Yes, Sir. Mr. Vice-Chairman, Sir, I rise to support the views expressed by Prof. Soz, that it is not proper to reject the Award under the pretext given in the Resolution that "the implementation of the Award will lead to diversion of scarce resources from development expenditure to non-productive expenditure and will thus adversely affect the National Economy". I think this is very deceptive. The total amount involved is to the tune of Rs.6 crores, and it is tagged with the national economy. Then, it is designated whether it is productive or non-productive. Then, they have to decide whether the expenditure incurred on the salaries of the workers and the dearness allowances is productive or non-productive. So, merely because it is a part of today's agenda, and, under the impression that nobody applies his mind, they hurriedly want to pass the Resolution. This is not proper. It is a bad practice. I support the views expressed by Prof. Soz, and I join him in seeking an explanation from the hon. Minister.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI) : Mr. Minister, please cover all the points raised by the hon. Members.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE AND COMPANY AFFAIRS (SHRI ANANDRAO VITHOBA ADSUL) : Of course, Sir. I appreciate the views expressed by the hon. Members. I will have to explain all the points in a better way. This Award was passed, particularly, for the staff members working in the Audit and Accounts Department of the Central Government. The annual burden is Rs.54,51,000/-. When the Award was passed, there was a demand from the higher-ranking officers, *i.e.*, the officers working in the Audit Department, Audit Officers, Special Senior Audit Officers, Assistant Audit Officers, and, ultimately, when we consider this demand, we will have to consider that demand also. That burden will go up to Rs.1,36,79,700/- per year, and the accumulated burden of the arrears from 1999 onwards comes to about Rs.5,47,18,800/-. This is not the question of only the Central Government. Whenever this order is implemented, ultimately, all the State Governments, Audit Department and Accounts Department staff will demand for the award to be implemented. That is why the Government approached the Secretaries Committee headed by the Chief Secretary. They all rejected this award. Then...*(Interruptions)*...

PROF. SAIF-UD-DIN SOZ : How can they reject? They have no authority.

SHRI ANANDRAO VITHOBA ADSUL : It is a procedure. Government has followed the procedure. Then, it was taken to the Cabinet. Cabinet has given the consent for the rejection of the award and ultimately Parliament is the authority. Taking into consideration all those things, the Government approached the Parliament for rejection of this award. It is not a question of money. Ultimately, the same implication will be followed by the State Government and ultimately we all lose. All are in favour of employees. I would like to bring to the notice of the hon. Members that for the last 22 years, I have been the President of 22 unions and representing about 70,000 employees. I am always in favour of those employees. But here, it is not justified because they are getting those allowances, that is, TA and DA, travelling allowance and daily allowance. This is a special and additional demand from the staff members of the audit and accounts department. Ultimately, again, I will bring to the notice of the House, if the award is implemented, there will be demand from the Special Auditors, Assistant Auditors and also from the States. That is why I request the House.... ...*(Interruptions)*...

PROF. SAIF-UD-DIN SOZ : Why did they move the Board? The Board is actually an apex court for this purpose. Government of India was represented there. There was a justice, Justice Dutta; employees were also represented.

SHRI ANANDRAO VITHOBA ADSUL : Other points were not taken into consideration because ultimately they are getting the TA and DA. This was an additional demand and other points which I have raised here are to be considered. Once we implement this award, it is to be extended to all, all the members of that department and also all the States. That is the thing.

PROF. SAIF-UD-DIN SOZ : No, you are bringing the arbitration into ...*(Interruptions)*... These are very senior ...*(Interruptions)*... This is a situation ...*(Interruptions)*...

SHRI ANANDRAO VITHOBA ADSUL: That is why the Government has approached the Parliament.

PROF. SAIF-UD-DIN SOZ : Then you wind up the Board of Arbitration. It has no position, because already Government of India has rejected four awards during this week; this is the fourth. Then you finish with the Board of Arbitration. You can't insult the Board of Arbitration.

SHRI ANANDRAO VITHOBA ADSUL : I have submitted all these things to the House, and, I think, the House will consider all these things.

PROF. SAIF-UD-DIN SOZ : The House will some day go into this question.

MR. VICE-CHAIRMAN (SHRI SURESH PACHOURI): The question is:

> "That this House approves the proposal of the Government to reject the Award given on February 12, 1999 by the Board of Arbitration in C.A. Reference No. 13 of 1992 in respect of grant of Touring Special Pay to Audit staff in Indian Audit and Accounts Department in terms of Para 21 of the scheme for Joint Consultative Machinery and Compulsory Arbitration, as the implementation of the Award involves an expenditure of over Rs. 5,47,18,800/- in payment of arrears and a recurring expenditure of Rs. 1,36,79,700/- per annum will lead to diversion of scare

resources from development expenditure to non-productive expenditure and will thus adversely affect the National Economy."

*The motion was adopted.*

**उपसभाध्यक्ष (श्री सुरेश पचौरी)** : आम बजट पर चर्चा कल जारी रहेगी। सदन की कार्यवाही कल बृहस्पतिवार, 13 मार्च, 2003 को पूर्वाह्न 11-00 बजे तक के लिए स्थगित की जाती है।

The House then adjourned at twenty-nine minutes past six of the clock till eleven of the clock on Thursday, the 13th March, 2003



MGIPMRND—885RS—16.01.2004.